

SUSAN B. KALIB, ESQ.
KALIB & KALIB

Susan focuses her practice in the areas of litigation and appeals, including significant trial and appellate work, as well as employment and real estate law.

Her litigation and appellate practice has included representation of various public and private clients in real estate, commercial, employment, products liability, arts, trusts & estates and landlord/tenant matters.

She also represents clients in the purchase and sale of cooperatives and condominiums, advises co-op and condo boards, and handles disputes between boards, owners and others.

Susan has played a central role in several of the most significant multibillion-dollar land use improvement projects in New York City. She has been involved in all aspects of property acquisition by negotiation or eminent domain. These projects have involved acquisition of fee interests, temporary and permanent easements, termination of easements and encroachments, partial takings, and acquisition of fixtures.

She has extensive experience at the trial and appellate levels litigating challenges to property acquisitions by eminent domain based on a variety of theories, including lack of public purpose, due process claims, and excess takings, among other constitutional and statutory claims.

She is also experienced in the valuation process and has been involved in reviewing appraisals, negotiating settlements, and handling valuation trials for both fee and fixture claims.

LEGAL EXPERIENCE

GIBBONS PC

Director (Partner)

New York, NY

July 2011-July 2014

Handled all aspects of litigation, settlement negotiations and appeals. Counseled clients on regulatory and statutory issues. Supervise attorneys, appraisers and other experts. Managed property acquisitions and planning process for large-scale development projects involving public/private partnerships.

CARTER LEDYARD & MILBURN LLP

Counsel

Associate

New York, NY

January 2008-July 2011

April 2001-December 2007

Managed active litigation caseload, representing various public and private clients in commercial, real estate, condemnation, landlord/tenant, employment, and insurance litigation. Took and defended depositions. First and second chaired trials and arbitrations. Drafted motion papers and appellate briefs in state and federal courts, including the United States Supreme Court

and Second Circuit. Supervised and mentored experts, associates and paralegals. Counseled colleagues regarding workplace conflicts, mediated disputes and acted as intermediary between attorneys to facilitate communication productivity.

SCHOEMAN, UPDIKE & KAUFMAN

Associate

New York, NY

September 1998-March 2001

Involved in all aspects of employment defense litigation for university client. Represented drug and pharmaceutical companies in product liability litigation.

Education:

Cornell Law School (J.D., 1998)

Wellesley College (B.A., *magna cum laude*, 1995)

Representative Cases:

Represented the Port Authority of New York & New Jersey in its acquisition of dozens of parcels required for replacement of the Goethals Bridge.

Represented MTA in a trial and appeal to determine the value of a partial acquisition of quarry property in Dutchess County acquired to construct a new Metro-North station.

Represented state agency in litigation relating to Columbia University's expansion project. (*Kaur v. New York State Urban Dev. Corp.*, 15 N.Y.3d 235 (2010)).

Represented the City of New York in connection with the Hudson Yards Rezoning and Development – No. 7 Subway Extension Project. Represented the City in litigation challenging the Project and later in connection with claims for compensation.

Represented MTA in its acquisition of 53 grade-level easements and one fee interest to enable the repair and rehabilitation of adjacent subway stations. The representation also involved the negotiation and settlement of easement and fixture claims.

Represented state agency in trial to determine value of partial acquisition of a tax lot, which included three commercial buildings. The court awarded less than 1% higher than the amount initially paid to the claimant based on the agency's appraisal. The award was affirmed on appeal. (*See Matter of New York State Urban Dev. Corp.*, 24 Misc 3d 1224(A)] (Sup. Ct. New York County 2009), *aff'd*, 10/19/10 NYLJ 28 (1st Dep't 2010)).

Represented state agency in trials to determine value of fixtures acquired from commercial tenants. (*See, e.g., Matter of New York State Urban Dev. Corp. (Nawam Entertainment, Inc.)*, 57 A.D.3d 249 (1st Dep't 2009)).

Represented MTA in litigation related to the termination of railroad easements in Queens. The project involved a conflict between New York's Eminent Domain Procedure Law and the federal Surface Transportation Board.

Represented the Port Authority of New York and New Jersey in its planning for possible condemnation in connection with its Access to the Region's Core ("ARC") project. The project involved unusual issues relating to acquisition of partial interests in existing building to create subway entrances as well as imposition of negative easements to limit construction near the proposed tunnel which could adversely affect the tunnel structures.

Defended state agency against three challenges to the acquisition of property for the most recent phase of the 42nd St. Project, which involved the replacement of a block of blighted properties with the new headquarters for The New York Times. This representation also included negotiating settlements of various fee and fixture claims filed by owners and tenants of the acquired properties.

AWARDS AND HONORS

Super Lawyers – Civil Litigation

Super Lawyers – Appellate Practice

COMMUNITY SERVICE

New York City Long Term Care Ombudsman Program: New York State Certified Ombudsman